United Nations S/2006/1047

Security Council

Distr.: General
28 December 2006

Original: English

Letter dated 20 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities containing the position of the Committee on the recommendations included in the fifth report of the Analytical Support and Sanctions Monitoring Team, which was approved by the Committee on 13 December 2006. I would appreciate it if the report could be circulated to the members of the Security Council and issued as a document of the Council (see annex).

(*Signed*) César **Mayoral**
Chairman
Security Council Committee established pursuant to
resolution 1267 (1999) concerning Al-Qaida and
the Taliban and associated individuals and entities

07-20142 (E) 110107

Annex

Recommendations contained in the fifth report of the Analytical Support and Sanctions Monitoring Team

Position of the Committee

1. In his letter dated 18 September 2006 addressed to the President of the Security Council (S/2006/750), the Chairman of the Al-Qaida and Taliban sanctions Committee transmitted the fifth report of the Analytical Support and Sanctions Monitoring Team and requested its issuance as a Security Council document. In the letter it was noted that the Committee was considering the recommendations contained in the report with a view to improving the established measures and their implementation.

2. Having completed thorough consideration of the report, the Committee would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein. The Committee believes that many of the recommendations should be brought to the attention of Member States, as they can significantly improve States' implementation of the sanctions measures. The Committee would also like to stress that, while finding the recommendations a valuable source for its work, it has arrived at its own conclusions with regard to their implementation, which are in some instances not necessarily the same as those of the Monitoring Team. The Committee explored in particular whether suggested improvement: (a) is within the scope of the measures mandated by the Security Council in relevant resolutions; (b) is practical and implementable by all States; (c) would not adversely affect untargeted individuals or entities; (d) would fall within the purview of national determination with regard to its implementation rather than requiring a regulation at the international level; and (e) could be implemented in partnership with other bodies or organizations. The Committee wishes to inform the Council in particular of those recommendations that the Committee feels should be implemented by States on a priority basis.

3. The Committee expresses its appreciation to the Monitoring Team for its comprehensive high-quality report, and anticipates with interest the future consideration of the sixth report submitted by the Team, in accordance with annex I to resolution 1617 (2005), on 7 November 2006.

I. The consolidated list

4. The Committee continues to attach the highest importance to the improvement of its consolidated list in order to further strengthen sanctions enforcement and implementation. In addition to submitting new names to the Committee's list, the Committee again strongly encourages all States to forward additional identifying information on individuals and entities already placed on the list and, to this end, closely cooperate with the Committee and the Monitoring Team.

5. The recommendation to provide general guidelines to States on how best to conduct an effective search of the Committee's list was welcomed by the Committee, as they can allow States to enhance their sanctions implementation. The Committee strongly encourages States to use this guidance, which will be placed shortly on the Committee website in all United Nations official languages.

6. The Committee also fully supported the recommendation that States be encouraged to make use of permanent reference numbers for entries on its list, introduced in July 2006, in their communications with the Committee, and the Committee is pleased to report that States frequently use these numbers. The Committee also found very useful the recommendation encouraging States, whenever they suggest the addition of a name for listing, to provide this name in the original script together with its Latin transliteration.

II. Implementation of sanctions

7. The Committee continues to attach great importance to States' reporting on their implementation efforts. Currently 43 States have not submitted such reports. Based on the experience gained with the whole cycle of reporting pursuant to Security Council resolution 1455 (2003) and the 55 replies received from States using the checklist, the Committee intends to evaluate the efficiency of these and other means allowing it to assess the implementation of sanctions in general and in particular in distinct States. The Committee strongly encourages States to submit or update their implementation reports as they provide the Committee with valuable information on how States implement the established sanctions measures.

8. One of the factors that may have contributed to the relatively low number of replies received from States utilizing the checklist was that States were requested to provide information only on 23 individuals and one entity. The Committee, therefore, supports the recommendation that if the Council/Committee requests the remaining replies, it should also ask for updated information on all or any of the names already on the list, on the status of assets previously frozen, and on the location of listed individuals and entities or any other change in their status.

III. Assets freeze

9. The Committee found the recommendations in this area to be of particular significance to the improvement of the sanctions regime and worthy of further study. The Committee appreciates the constant efforts of the Monitoring Team to identify the challenges encountered by States in this area and its creative approach to addressing them. The Committee feels that developing a summary of best practices directly related to the assets freeze would be especially beneficial for enhancing States' implementation in this area. The Committee welcomed the Monitoring Team's determination to initiate the work on best practices with the Counter-Terrorism Committee and relevant international organizations.

10. The Committee recognized that more needs to be done to understand terrorist financing and target terrorist financiers more effectively. In this connection, the Committee wants to appeal to States to avail themselves of the definition contained in paragraph 2 of resolution 1617 (2005) "associated with" Al-Qaida, Usama bin Laden or the Taliban and to submit the names of individuals and/or entities falling under this category to the Committee's list.

11. The Committee felt that the recommendation for banks to apply the "know your customer" rule to both new and existing customers would need to be developed as part of best practices, rather than obliging banks to do so.

IV. Travel ban

12. The Committee highly values the contribution of relevant international organizations to the implementation of sanctions, and therefore welcomed the recommendation to transmit the Committee's list to their attention with a view to obtaining their assistance in improving the efficiency of the travel ban. The Committee is currently in the process of identifying, in contact with the Counter-Terrorism Committee, the most relevant organizations and determining the ways of cooperation with them. An example of an already beneficial contribution to the work of the Committee is the assistance provided by Interpol.

13. With regard to the recommendation addressed to States to confiscate and report on lost, stolen or fraudulent documents, the Committee, while stressing the need for close cooperation among States in this regard, also noted practical and legal limitations regarding the implementation of the recommendation. The Committee would like to remind States of the provision contained in paragraph 9 of resolution 1617 (2005), which urges States to ensure that stolen and lost passports and other travel document are invalidated as soon as possible and to share information on those documents with other States through the Interpol database. In this regard, the Committee also wishes to encourage States to create national programmes to promote reporting by their citizens of the loss or theft of travel documents. The Committee also fully supported the recommendation encouraging States not only to review their border control systems to reduce the possibility of errors, but also to ensure that the entire list had been incorporated into their national watch lists, where feasible.

V. Arms embargo

14. During the consideration of the Team's fourth report, the Committee had welcomed the suggestion to clarify for States the meaning of the arms embargo in the context of the Al-Qaida and Taliban sanctions regime in order to implement it more effectively. The Team, at the Committee's request, prepared an "Explanation of Terms" paper for the Committee's consideration. The paper was approved by the Committee and is now available to all States through the Committee website. The Committee strongly encourages States to familiarize themselves with this useful paper. In this regard, the Committee wants to remind States that due to the nature of the arms embargo, its effective implementation almost certainly requires specific legislation and/or administrative measures.

15. The Committee, in principle, was in agreement with the recommendations aimed at improving the efficiency of the arms embargo by targeting those who support terrorist activities, provided that States would identify such individuals on the basis of "associated with" Al-Qaida, Usama bin Laden or the Taliban. The Committee was apprised of three such possible cases: (a) those acting in violation of the arms embargo; (b) those conducting bombings, killings or other criminal acts as members of a listed entity or in its name; and (c) those providing military training, technical and other assistance covered by the arms embargo.

16. The Committee fully supported the recommendation that States ensure that their nationals do not breach the arms embargo, and if they do, to ensure that they have the domestic legislation necessary to take action against them.

17. With regard to the recommendation suggesting that States should be encouraged to introduce safety regulations concerning the manufacturing and stockpiling of small arms and light weapons, including man-portable air defence systems, the Committee noted that in many States this had already been done. The Committee expressed its interest in further studying this recommendation once it had received a paper from the Monitoring Team dealing with this very specific issue.

VI. Conclusion

18. The Monitoring Team, during its 2004-2006 mandate, has provided the Committee in its several comprehensive reports with a great number of thoughtful observations and useful recommendations aimed at further improving the sanctions measures. In addition, the Monitoring Team continues to provide highly professional support and assistance to the Committee in its work and monitoring functions. The Committee strongly urges all States to familiarize themselves with the reports of the Team, as they contain a variety of useful and innovative ideas and information relevant to sanctions implementation. The Committee, on a consensus basis, was in a position to associate itself with a great number of the recommendations forwarded to it by the Monitoring Team. Some recommendations brought to the attention of the Committee would require in-depth study or further conceptual development focusing on practical aspects of their implementation. Others, although rational in their desired goals, at this stage, could prove difficult to implement because of a number of legal and other constraints.

19. This is the third written report of the Committee to the Security Council on the recommendations contained in the reports of its Monitoring Team. The Committee also wants to encourage States to avail themselves of the opportunity provided to them in paragraph 14 of resolution 1617 (2005) and share with the Committee their experiences with implementation of the mandatory or any other measures adopted at the national level, especially those that are similar to the recommendations presented by the Monitoring Team in its reports.